REMARKS

I. STATUS OF THE CLAIMS

Claims 1-26 are currently pending. Of these, claims 1-18 are allowed.

II. REJECTION OF CLAIMS 19-26 UNDER 35 USC 103
AS BEING ANTICIPATED BY QIU (US PATENT NO. 6,640,318)
IN VIEW OF HARDY (US PATENT NO. 6,519,323)

In the present invention as recited, for example, in claim 19, a slave test unit is connected to a digital data network via a phone line. As recited, for example, in claim 19, a remote test unit is connect to the digital data network so that electrical signals are transmitted from the remote test unit to the slave test unit by traveling via packets through the digital data network and then over the phone line from the digital data network to the slave test unit, and so that electrical signals are transmitted from the slave test unit to the remote test unit by traveling from the slave test unit to the digital data network over the phone line and then via packets through the digital data network.

As recited, for example, in claim 19, electrical signals transmitted from the remote test unit to the slave test unit in response to a call initiated from the remote test unit with the remote test unit positioned at an end point of the call include a test command indicating a test signal to be generated on the phone line by the slave test unit. As recited, for example, in claim 19, the slave test unit generates the test signal on the phone line in accordance with the test command.

Therefore, in claim 19, a call is initiated from the remote test unit with the remote test unit positioned at an end point of the call. See also claim 26. See, for example, FIGS. 2 through 4, and the disclosure on page 3, lines 20-22; and page 8, lines 11-21, of the specification.

Please note that claim 19 specifically recites that the call is "initiated" from the remote test unit with the remote test unit positioned at an end point of the call.

In Qiu, test communications occur between communication hubs. For example, in FIG. 2 of Qiu, test communications occur between communication hubs 301 and 305, or between communication hubs 301 and 303.

However, the communication hubs of Qiu are not positioned at end points of a call. Instead, the communication hubs are positioned at intermediate points in a call initiated by other devices. For example, in shown FIG. 2 and described in column 4, lines 1-28, of Qiu,

communication hubs 301 and 303 are positioned between a call initiated from call device 300 to call device 306.

In addition, the communication hubs of Qiu do not initiate calls. Instead, the communication hubs perform continuity tests in response to calls initiated by other devices, such as calls initiated by call device 300. For example, in FIG. 5 of Qiu, call device 300 initiates a call (see the Off-Hook, Dial Tone and Digits communications in FIG. 5 of Qiu). The communication hubs then perform a continuity test in response to the call initiated by call device 300.

In the rejection, the Examiner refers to the dialback and ringback tones disclosed in columns 7 and 10 of Qiu. It is respectfully submitted that the dialback and ringback tones of Qiu can be understood from FIGS. 5, 6 and 10 of Qiu. For example, in FIGS. 5 and 6 of Qiu, communications hubs 301 and 305 are between call device 300 and second network 304. In FIG. 10 of Qiu, communication hubs 301 and 303 are between call device 300 and call device 306. The call devices, and not the communication hubs, initiate the calls. In Qiu, any operations relating to dialback and ringback tones provided by the communication hubs are in response to calls initiated by the call devices.

The Examiner notes that column 4, line 28, of Qiu, indicates that a communication hub can be a switch. However, it is respectfully submitted that the communication hub being a switch reinforces the Applicant's assertion that the communication hub does not initiate a call from an end point of a call. More specifically, a switch would not be positioned at the end point of a call, and instead would be positioned between other devices which initiate calls from end points of the call.

Therefore, it is respectfully submitted that Qiu does not disclose or suggest that a call is initiated by a remote test unit with the remote test unit positioned at an end point of the call, as recited, for example, in claim 19, in combination with the other features as recited, for example, in claim 19.

Hardy discloses a test unit for use in a network test device (NID).

However, the NIDs of Hardy are positioned at the demarcation point where a local telephone company responsibility stops and the subscriber responsibility begins. As disclosed in Hardy, an NID is typically located either *adjacent to* the subscriber's premises or *a short distance away from* the subscriber's premises. See, for example, column 1, lines 36-41, of Hardy. See also FIGS. 1-3 of Hardy which show NIDs 124, 126 positioned *outside* of a subscriber's premise.

Moreover, the NIDs of Hardy are not connected to a phone line via a phone jack.

Instead, it is respectfully submitted that the NIDs of Hardy appear to be hardwired at specific positions along the communication system, and are connect to telephone sets at a subscriber's premises by copper wires. See, for example, the positioning of NIDs in FIG. 1, and the disclosure in column 1, lines 31-41, and see especially column 3, lines 3-6, of Hardy.

Please note that claim 19 is amended to recite that the slave test unit is located on a phone company customer's premises and connected to a phone line via a phone jack. Similar amendments are made to claim 26. Support for the amendments is found, for example, in FIG. 2 (see phone jacks 150 and 155), and the disclosure on page 7, lines 15-16, and page 8, lines 14-15, of the specification.

By positioning the slave test unit at a phone company customer's premises, and connecting the slave test unit to a phone line via a phone jack, embodiments of the present invention allow a more complete communication path to be tested onto the customer premises. Hardy cannot provide such advantages, as the NIDs of Hardy do not provide the positioning and manner of connection of a slave test unit as recited, for example, in claim 19.

Moreover, by connecting the slave test unit to a phone line via a phone jack, embodiments of the present invention allow a slave test unit to be easily moved to different phone connections at the customer's premises, or easily moved to a different customer's premises. The NIDs of Hardy cannot provide such advantages.

Further, as neither Qiu nor Hardy is directed to providing a slave test unit located on a customer's premises, or that can easily be connected to a phone line via a phone jack, it is respectfully submitted that the combination of references does not disclose or suggest the present invention as recited, for example, in claim 19.

Although the above comments are specifically directed to claim 19, it is respectfully submitted that the comments would be helpful in understanding various differences of various other rejected claims over the references.

In view of the above, it is respectfully submitted that the rejection is overcome.

III. ISSUE RELATING TO AN IDS

The Office Action mailed August 24, 2001, included an acknowledged Form PTO-1449. However, the Examiner did not "initial" reference 1A (US Patent No. 4,258,236, to Conklin et al.).

Therefore, it is respectfully requested that the Examiner "initial" reference 1A on the Form PTO-1449, or acknowledge the reference by including it on a Form PTO-892 with the next

action.

IV. CONCLUSION

In view of the above, it is respectfully submitted that the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

Date: November 9, 2005 By: _____

Paul I. Kravetz
Registration No. 35,230